(247)

Anno Sexto & Septimo Gulielmi III. Regis.

R. OF SCOTLAND

An Act to Prevent Counterfeiting and Clipping the COIN *of this Kingdom.*

WHereas it is Manifeſt that of late Years the Currant Coin of this Kingdom hath been greatly Diminiſhed by Clipping, Rounding, Filing and Melting the ſame, and likewiſe many Falſe and Counterfeit Coins have been Clipped for the better Diſguiſing thereof:

And for as much as it is Apparent that theſe Practices of Diminiſhing the Currant Coin is very much occaſioned by thoſe who Drive a Trade of Exchanging Broad Money for Clipped Money, and by other Arts and Devices.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by the Authority of the ſame, That from, and after the Firſt Day of *May*, which ſhall be in the Year of our Lord, One thouſand ſix hundred ninty five, if any Perſon or Perſons whatſoever, ſhall at any one Time or Payment, Exchange, Lend, Sell, Borrow or Buy, Receive or Pay any Broad Silver Money, or Silver Money Unclipt, of the Coin of this Kingdom, for more in Tale, Benefit, Profit or Advantage than the ſame was Coined for, and ought by Law to go for, be Lent, Sold for, Borrowed or Bought, Received or Paid, ſhall Forfeit the Sum of ten Pounds for every twenty Shillings that ſhall be ſo Exchanged, Lent, Sold, Borrowed or Bought, Received or Paid, and ſo in proportion for any Greater or Leſſer Sum, One Moiety thereof to His Majeſty, and the other Moiety to the Perſon who ſhall Sue or Inform for the ſame, to be Recovered (with Coſts of Suit) by Action of Debt, Bill, Plaint or Information, wherein no Priviledge, Protection or Wager of Law ſhall be allowed, nor any more than One Imparlance.

And be it further Enacted by the Authority aforeſaid. That no Perſon do or ſhall preſume to caſt Ingots or Bars of Silver, in imitation of *Spaniſh* Bars or Ingots of Silver, nor do Stamp any Mark or Impreſſion upon any Ingot or Bar in Likeneſs of the *Spaniſh* Marks or Impreſſions, upon pain that the Perſon herein Offending, ſhal for every ſuch Offence Forefeit the Silver ſo caſt, and alſo the Sum of Five hundred Pounds, one Moiety to his Majeſty, and the other to the Informer, to be Recovered, as aforeſaid.

And for the better preventing the Clipping, Diminiſhing or Impairing the Currant Coin of this Kingdom; Be it further Enacted by the Authority aforeſaid, That if any Perſon whatſoever ſhal Buy or Sell, and knowingly have in his Cuſtody or Poſſeſſion, any Clippings or Filings of the Currant Coin of this Kingdom, he ſhal for every ſuch Offence forefeit the ſaid Clippings or Filings, and alſo the Sum of Five hundred Pounds, One Moiety to his Majeſty, and the other to the Informer, to be Recovered, as aforeſaid, and ſhal be alſo Branded in the Right Cheek with a Hot Iron with the Letter *R*, and until payment of the ſaid Five hundred Pounds ſhal ſuffer Impriſonment.

And be it further Enacted, That no Gold-ſmith or other Perſon whatſoever, ſhal, from and after the ſaid firſt Day of *May*, Tranſport, or cauſe to be Tranſported out of this Kingdom of *England*, into any parts beyond the Seas, any Molten Silver whatſoever, but ſuch only as ſhal be Marked or Stamped at *Goldſmith hall* by the Wardens, ſome or one of them belonging to the ſaid Company of Gold-ſmiths; which Mark or Stamp the ſaid Wardens are hereby requi-

red to provide, and therewith to Mark or Stamp all ſuch Silver as ſhal beproved before them, or one of them, in ſuch manner as is hereafter mentioned to be lawful Silver, nor unleſs a Certificate be firſt had and obtained under the Hand of one or more of the ſaid Wardens, of Oath having been made before him or them, by the Owner or Owners of ſuch Molten Silver, and likewiſe byone Credible Witneſs, that the ſame is lawful Silver, and that no part thereof was (before the ſame was Molten) the Currant Coin of this Realm, nor Clippings thereof, nor Plate wrought within this Kingdom; which Oath the ſaid Wardens, or any of them, are and is hereby Required and Authorized to Adminiſter, and likewiſe to make and grant a Certificate thereof, without Fee or Reward, an Entry of which Certificate ſhall be duly made by the ſaid Wardens, in a Book to be kept for that purpoſe; And in caſe any Perſon whatſoever who ſhal offer any Molten Silver to be Marked, as is aforeſaid, ſhal not prove by his or her Oath, and likewiſe by the Oath of one Credible Witneſs, that the Silver offered to be Marked is lawful Silver, and that the ſame was not before the Melting thereof the Currant Coin of this Kingdom, nor Clippings thereof, nor Plate wrought within the ſame, then and in every ſuch Caſe it ſhal be Lawful, to, and for the ſaid Wardens, or any one of them, to Seize and Detain ſuch Molten Silver ſo offered to be Marked, until ſuch time as ſuch Oath and Proof ſhal be made, as is aforeſaid.

And be it further Enacted, That if any Perſon whatſoever ſhal ſhip, or cauſe to be ſhipt or put on Board any Veſſel any Molten Silver, not Stamped or Marked by the ſaid Wardens, or one of them, and without Certificate firſt obtained, of Oath having been before the ſaid Wardens, or one of them, of the Lafulneſs of ſuch Silver in manner, as is aforeſaid, (which Certificate ſhal be ſhown to ſome one of the Commiſſioners of the Cuſtoms for the time being, before any Cocket be granted for the Exporting ſuch Molten Silver) in ſuch caſe, it ſhal and may be lawful, to and for any Officer or Officers of his Majeſties Cuſtoms, to ſeize ſuch Silver ſo ſhipped, and put on Board, one Moiety whereof ſhal be to his Majeſty, his Heirs and Succeſſors, and the other Moiety to the Officer and Officers ſo ſeizing the ſame.

And be it further Enacted, That if any Broger, or Broker, not being a Trading Goldſmith or Refiner of Silver, ſhall buy or ſell any Bullion, or molten Silver, every ſuch perſon ſhall ſuffer for every ſuch Offence, Impriſonment for ſix Months, without Bail or Mainprize.

And for the better Diſcovery of Offenders in the Premiſſes, Be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful, to and for one or more of the Wardens of the ſaid Company of Goldſmiths, with any Two or more of the Court of Aſſiſtants of the ſaid Company, within the Compaſs of the Weekly Bills of Mortality, and to and for any two Juſtices of the Peace within any County, City, or Town Corporat out of the Compaſs of the Weekly Bills of Mortality, to enter into the Houſe, Room or Workſhop of any perſon, who ſhall be ſuſpected to be Guilty of buying or ſelling unlawful Bullion, and to ſearch for the ſame; and in caſe the Occupier or Occupiers of ſuch Houſe, Room or Workſhop, ſhall refuſe to permit the ſaid Warden and Aſſiſtants, or Juſtices to make ſuch ſearch, as aforeſaid, it ſhall and may be lawful to ſuch Warden and Aſſiants and Juſtices, with the aſſiſtance of a Conſtable, to break open any Door, Box, Trunk, Cheſt, Cupboard or Cabinet, in order to ſearch for, and diſcover ſuch Bullion, as is aforeſaid, and in caſe the perſons ſo ſearching, ſhall at any time find any ſuch unlawful Bullion, the perſons ſo finding the ſame, are hereby required to ſeize, as well ſuch Bullion, as the perſon and perſons in whoſe poſſeſſion the ſame ſhall be found; and the ſaid Wardens, Aſſiſtants and Conſtables, ſhall bring him and her before the next Juſtice of the Peace, who ſhall, upon Oath made of ſuch finding, which Juſtice within the Weekly Bills of Mortality, and the ſaid two Juſtices without the ſaid Bills of Mortality, ſhall and may examine the perſon ſo brought before him, or found by them reſpectively, upon Oath, whether the Bullion ſo found, be lawful Silver, and whether the ſame was not (before the melting thereof) the currant Coin of this Realm, or Clippings thereof; and in caſe the ſaid perſon ſo examined, ſhall not prove by his or her Oath, or by the Oath of one credible Witneſs, before the ſaid Juſtice and Juſtices reſpectively, that the Bullion ſo found is lawful Silver, and that the ſame was not before the melting thereof, the currant Coin of this Realm, nor Clippings thereof, then and in ſuch caſe the ſaid Juſtice or Juſtices reſpectively, ſhall commit the perſon ſo examined to Priſon, and ſhall ſecure the Bullion ſo found, and ſhall likewiſe oblige the perſons that can give any Evidence concerning the ſame, to enter into a Recognizance, to proſecute the ſaid Offender and Offenders; And in caſe ſuch Offender and Offenders, in whoſe poſſeſſion ſuch unlawful Bullion ſhall be found, ſhall not upon his

his, her or their Tryals on an Indictment for melting the currant silver Coin of this Realm, prove by the Oath of one credible Witness at the least, the Bullion so found to be lawful Silver, and that the same was not the currant Coin of this Realm, nor Clippings thereof; then, and for want of such Proof, such Offender shall be found guilty of the Offence contained in such Indictment, and shall suffer Imprisonment for the space of six Months, without Bail or Mainprize.

And whereas the Coin of this Realm is of late much Clipped and Counterfitted for want of due Encouragement to be given to such persons as shall Discover the same. Be it Enacted by the Authority aforesaid, that from and after the said first day of *May*, One thousand six hundred ninety five, all and every person and persons, who shall apprehend and take any person or persons, who have Counterfeited any of the currant Coin of this Realm, or that for Lucre or Gain, have Clipped, Washed, Filed, or any ways diminished the same, or shall bring, or cause to be brought into this Kingdom, the Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, any Clipt, False or Counterfeit Coin, and prosecute such person or persons, until he, she or they be convicted for any such Offence, shall have and receive from the Sheriff or Sheriffs of the County, where such Conviction shall be made, for every such Offender so convicted, the Sum of forty Pounds (without paying any Fee for the same) within One Month after such Conviction and Demand thereof made, by tendring a Certificate to the said Sheriff or Sheriffs for the time being, under the Hand or Hands of the Judge or Justices before whom such Traytor or Traytors, Offender or Offenders, as aforesaid shall be Convicted, Certifying the conviction of such Traytor or Traytors, done within the County of the said Sheriff or Sheriffs; and that such Traytor or Traytors, was or were taken and prosecuted by the person or persons, claiming the said Reward, which Certificat as afore said, the said Judge or Justices, are hereby Required to give: and in case any Dispute shall happen to arise, between the persons apprehending, and prosecuting to Conviction such Traytors as aforesaid, touching their Right and Title to the said Reward, that then the said Judge or Justices so respectively Certifying as aforesaid, shall in and by their said Certificat, direct and appoint the said Reward to be payed unto, and amongst the Parties claiming the same, in such share and proportions as to the said Judge or Justices shall seem just and reasonable: And if default of payment of the said Sum or Sums of Money shall happen to be made by any Sheriff or Sheriffs, such Sheriff and Sheriffs so making Default, shall Forfeit to the person or persons to whom such Money is due as aforesaid, double the Sum or Sums of Money he ought to have payed, to be Recovered by him or them, or his or their Executors or Administrators, in any of His Majesties Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint or Information, wherein but one Imparlance, and no Effoign, Protection or Wager of Law shall be allowed, with treble Costs of Suit by him, or them Expended in recovery of the same.

And it is hereby further Enacted, that all Sheriffs, their Executors or Administrators, upon producing such respective Certificats, and the Receipts for the Money by them payed in pursuance of this Act, shall be allowed, and are hereby Impowered to deduct upon their Accompting with His Majesty, all Moneys (other than the double Sum or Sums of Money and Costs of Suit) which they shall Disburse as aforesaid, without any Fee or Reward whatsoever.

Provided always, that if upon the Account of any Sheriff or Sheriffs, there shall not be Money sufficient in the hands of such Sheriff or Sheriffs to Reimburse him or them such Moneys payed by him or them, by vertue of this Act, That then the Sheriff or Sheriffs having so payed the said Moneys, shall have the same Repayed by the Lord Treasurer, or Commissioners of His Majesties Treasury for the time being, out of the Revenue of the Crown, upon Certificat from the Clerk of the Pipe to that Effect.

And be it further Enacted, by the Authority aforesaid, that if any person or persons, being out of Prison, shall, from and after the first day of *May* One thousand six hundred ninety five, be guilty of Clipping, Coyning, Counterfeiting, Washing, Filing, or otherwise diminishing the Coyn of this Realm, and afterwards discover two or more person or persons, who already have, or hereafter shall commit any of the said Crimes, so as two or more of the person or persons Discovered shall be Convicted of the same, any such Discoverer shall himself have, and is hereby Intituled to the Gracious Pardon of His Majesty, His Heirs and Successors, for all uch his Crimes which he or they have committed at any time, or times before such Discove-

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ry made: and if the perſon making ſuch Diſcovery be an Apprentice, he ſhall be Deemed and taken, and is hereby declared a Freeman, and ſhall have, and may exerciſe any lawful Trade, Profeſſion or Myſtery, with all Liberties and Priviledges, and in as full and ample manner, as if the ſaid perſon had ſerved the full time of his Apprenticeſhip; any Law, Statute, Cuſtom or Ordinance, to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That in caſe any Seizure ſhal happen of any Bullion ſhipt to be Exported, and a Doubt ariſe thereon whether the ſame be *Engliſh* or Foreign Bullion, that then the Proof ſhall lie upon the Owner, Claimer or Exporter of ſuch Bullion, that the ſame is Foreign Bullion, and had not been melted down in this Realm of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*.

And be it further Enacted by the Authority aforeſaid, That in caſe any *Perſon* or *Perſons* enter or ſhip any Bullion, allowed by this Act to be exported beyond the *Seas*, other than in the Name of the true Owner and Proprietor or Importer, the Exporter thereof ſhal forefeit the ſame, or the full Value thereof, one Moiety to his Mejeſty, his Heirs and Succeſſors, and the other Moiety to the Perſon who ſhal ſeize or diſcover the ſame.

Provided always, and be it further Enacted, That this Act, or any thing therein contained, ſhal not extend to prohibit the Exportation of ſuch Bullion as ſhal be Licenſed by his Majeſty (ſuch Licences being Entred in the Books of the Cuſtom Honſe for the Port of *London*) ſo as the ſame be Exported before the firſt day of *January*, One thouſand ſix hundred ninety five, and do not exceed Seven hundred thouſand *Ounces* of *Silver*, to be applied for the Payment of his Majeſties Forces.

EDINBURGH, *Re-printed by the Heirs and Succeſſors of* Andrew Anderſon, *Printer to His moſt Excellent Majeſty*, Anno Dom. 1695.